

NO. 73526

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office NOV 28 2005

Returned to applicant for correction DEC 12 2005

Corrected application filed _____

Map filed DEC 23 2005

The applicant **Frehner Construction Company, Inc.** hereby make application for permission to change the **point of diversion for 25 acre feet** of water heretofore appropriated under **permit No. 67692**

1. The source of water is **underground**
2. The amount of water to be changed **25 acre-feet**
3. The water to be used for **mining sand & gravel**
4. The water heretofore permitted for **mining sand & gravel**
5. The water is to be diverted at the following point **a portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13 T23S R60E, MD.B&M bearing South 44°48'29" West a distance of 3,326.04 feet from the S1/16 corner of sec. 13&14 of said township & range**
6. The existing permitted point of diversion is located within **a portion of NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13 T23S R60E, MDB.&M bearing South 63°29min9sec. West a distance of 720.66 ft. from the S1/16 corner of sec. 13&14 of said township & range.**
7. Proposed place of use **see attached exhibit "A"**
8. Existing place of use **see attached exhibit "A"**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **drilled well, submersible pump & motor, underground piping, diesel generator**
12. Estimated cost of works **\$175,000.00**
13. Estimated time required to construct works **180 days**
14. Estimated time required to complete the application of water to beneficial use **2 years**

15. Remarks: This new point of diversion replaces the well as described in item #6. This application is being submitted to allow the drilling contractor to be placed under contract and begin drilling operations. The various permits associated with the POD in item #6 will be relocated to this new POD also.

By Philip Nelson
s/Philip Nelson
3920 W. Hacienda Ave.
Las Vegas, NV 89118

Compared dr/gkl w/ gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of the waters of an underground source as heretofore granted under Permit 67692 is issued subject to the terms and conditions imposed in said Permit 67692 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 54172, 61720, 68459, 68624, 69303, 70626, 71014, 71753, 71754, 71755, 72088, 72089, 72090, 73141T, 73297 and 73526 shall not exceed 775.99 acre-feet annually.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well and other wells within the place of use of this permit. Records shall be submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter. Separate reports shall be made for water pumped under permits and vested rights, and for water pumped under other authorization such as waivers. The monthly record shall identify water right permits and waivers from each well, and include the size, make, serial number and meter location associated with a well.

(CONTINUED ON PAGE 3)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.055 cubic feet per second, and not to exceed 25.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

March 28, 2007

Proof of completion of work shall be filed on or before:

April 28, 2007

Water must be placed to beneficial use on or before:

March 28, 2008

Proof of the application of water to beneficial use shall be filed on or before:

April 28, 2008

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 28th day of March, A.D. 2006


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____